

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of:

Applicant(s): Rolf Stromberg
Serial No: 10/563,192
Filing Date: June 5, 2006
Title: LOOP MEANS FOR POINTING DEVICES, EQUIPPED WITH
FRICTION MATERIAL AND INTERMEDIATE FLEXING ZONES
Examiner: Vinh Tang Lam
Art Unit: 2629
Docket No. STOCP0140US

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application.
No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons stated on the attached sheets.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Patrick F. Clunk/
By _____
Patrick F. Clunk, Reg. No. 59,482
Attorney of Record

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113

MS STOCP0140US-R06-Pre-Appeal.docx

ADDENDUM TO PRE-APPEAL BRIEF REQUEST FOR REVIEW

The review is requested for the following reasons.

Claims 1-3, 13-15, 18, 20 and 21 have been rejected as being unpatentable over U.S. Patent No. 5270690 (herein "Oberg") in view of U.S. Patent Publication No. 2001/0016804 (herein "Cunningham").

Clear Error

Oberg does not disclose or suggest among other things a flexible fabric support material in the form of a cylinder and much less a flexible fabric support material having on an internal surface thereof a number of mutually circumferentially spaced apart, axially elongated, stiffening strips.

The Examiner cites to column 3, lines 53-57 of Oberg as allegedly disclosing a flexible fabric support material, but there is no mention of a fabric material, and the flexible wires 58 in Figs. 13 and 14 are not a fabric material.

However, the Examiner then acknowledges that Oberg does not disclose a fabric support material. In view of this deficiency the Examiner turns to Cunningham and contends that Cunningham discloses a movable belt made of nylon fabric and that it would therefore be obvious to produce Oberg's material belt with Cunningham's belt "to enhance user input interface by providing accurate input coordinates and/or movement of the input device."

Cunningham includes an instrument receiving member having a path comprising a movable portion that may include a belt extending around a set of pulleys. The belt of Cunningham may be made of a nylon fabric. Although Cunningham discloses a belt made of a nylon fabric, the purpose of the belt in Cunningham is unrelated to the device disclosed in Oberg. Moreover, there is lacking any suggestion to use the nylon fabric as a means interlinking anything and much less pad-like segments.

Further, Oberg discloses an input control system for a computer having slots or openings formed in a core through which a plurality of belts or bands is received.

One of ordinary skill in the art would not be motivated to modify the belt of Oberg with the conveyer belt of Cunningham to arrive at the subject matter of claim 1. Such a combination would simply result from impermissible hindsight.

Moreover, the Examiner has failed to make a *prima facie* case of obviousness. "[R]ejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). The Examiner has simply provided a conclusory statement that the combination would "enhance user input interface" without providing an articulated reasoning with some rational underpinning why one of ordinary skill in the art would be motivated to combine the references.

Therefore, for at least the foregoing reasons, the combination does not disclose the subject matter of claim 1 and the rejection should be withdrawn.